

REMARKS

Reconsideration of the above mentioned application is hereby requested in view of the above amendments and remarks which follow. The Applicants are appreciative of the Examiner's thorough consideration of the Response After Final and in the recognition of allowable subject matter. Namely, the Examiner has indicated that claims 3-9 and 14-21 are objected to, but would be allowable if rewritten in independent format.

The Examiner rejected claims 1-2 and 13 under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. Patent 5,844,401). Applicant respectfully urges that independent claims 1 and 13 as re-written are patentably distinguishable from the applied reference Lee.

The Examiner indicated that as to claims 1 and 13, that Lee teaches a housing (3) having a battery receiving cavity, the cavity being profiled to receive at least a battery therein (Figure 3A); electrodes for contacting contacts on the battery for charging the battery (Col. 3, lines 39-41); a gripping member (71) movable between a locked and unlocked position, for gripping a battery placed within the cavity.

Applicants believe that U.S. Patent No. 5,844,401 shows a charging device as shown in Figures 3A and 3B, which may receive a battery 5 in order to charge the battery. The battery charging unit includes a locking member 7 which operates under the influence of a spring 8. The locking member 7 pivots about a point between the positions shown in Figures 3A and 3B. The battery charger includes a sliding part 6 having a projection 62 which is received in a projection groove 72 such that when the sliding part 6 is moved in the direction of the arrow (Figure 3B), the "projection groove 72 of locking member 7 makes contact with and cams with projection 62 of sliding part 6." This causes the locking member to rotate to the open position shown in Figure 3B. (Column 3, lines 50-51).

Application Serial No. 10/757,146
Amendment Dated March 25, 2008
Reply to Office Action of February 1, 2008

However, the Lee reference is similar to the prior art reference Taylor, used in the previous office actions. The Lee battery charger does not include an opening through the housing with a gripping member movable transversely into and out of the housing opening as required by claims 1 and 13. Nor is the gripping member operable by way of a cam member to grip the battery. Rather, the locking member 7 is spring loaded from the position shown in Figure 3B to the position shown in Figure 3A where a locking projection 71 is received in a locking groove 51 of the battery.

Applicants have amended claim 1 to include the limitation of a cam assembly together with the gripping member which is operatively connected to the cam assembly, the gripping member being movable transversely into and out of the housing opening by operation of the cam assembly, between a locked and unlocked position, for gripping a battery placed within the cavity.

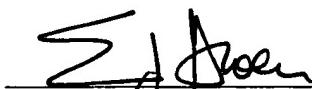
Applicants have amended claim 13 to include the limitation that a cam operated gripping member is movable transversely into and out of said housing opening under the influence of the cam, between a locked and unlocked position, for gripping a battery placed within said cavity.

Given all of the amendments and remarks, Applicants believe that claims 1 and 3-23 are in condition for allowance and respectfully request early passage thereof.

If necessary to effect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (72249.90053). However, please do not include the payment of issue fees.

Application Serial No. 10/757,146
Amendment Dated March 25, 2008
Reply to Office Action of February 1, 2008

Respectfully submitted,

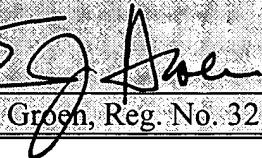


Eric J. Groen, Reg. No. 32,230
Baker & Daniels
300 North Meridian, Suite 2700
Indianapolis, IN 46204
Telephone: (317) 237-1115
Fax: (317) 237-1000

I hereby certify that this correspondence is
being deposited with the U.S. Postal Service as
First Class Mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on

March 25, 2008

Date


Eric J. Groen, Reg. No. 32,230